

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BEAU JAMES BRENEMAN,

Defendant.

CR 23-38-M-DWM-2

ORDER

On November 30, 2023 United States Magistrate Judge Kathleen L. DeSoto entered Findings & Recommendation Concerning Plea with respect to the disposition of the change of plea hearing for Beau James Breneman held on the same day. (Doc. 72.) Breneman is charged with one count of conspiracy to distribute controlled substances, in violation of 21 U.S.C. § 846 (Count I) and one count of possession with intent to distribute controlled substances, in violation of 21 U.S.C. § 841(a)(1) (Count II). (Doc. 1.) Judge DeSoto recommends that this Court accept Breneman's guilty plea as to Count II after Breneman appeared before her pursuant to Federal Rule of Criminal Procedure 11. Judge DeSoto further recommends that Count I of the Indictment be dismissed.

Neither party has filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority"

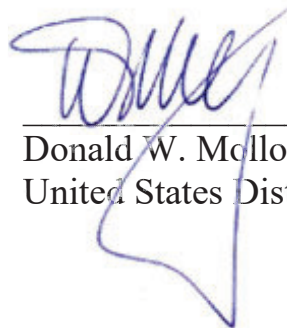
to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). Finding no clear error in Judge DeSoto’s Findings and Recommendation and adopts them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report. (See Doc. 72.)

Accordingly, IT IS ORDERED that Judge DeSoto’s Findings and Recommendation (Doc. 72) is ADOPTED in full.

IT IS FURTHER ORDERED that Beau James Breneman’s motion to change plea (Doc. 56) is GRANTED.

IT IS FURTHER ORDERED that Beau James Breneman is adjudged guilty as charged in Count II of the Indictment.

DATED this 15<sup>th</sup> day of December, 2023.



Donald W. Molloy, District Judge  
United States District Court